



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	METHOD OF MODIFYING RHEOLOGY OF
E. Michael Kerr et al)	SLURRIES IN MINERAL PROCESSING
Serial No.: 09/293,163)	Attorney Docket: 5593
Filed: October 10, 2001)	Group Art Unit: 1713
(Based on 09/293,163 Filed April 16, 1999))	Examiner: M. L. Reddick

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUL 02 2003

OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

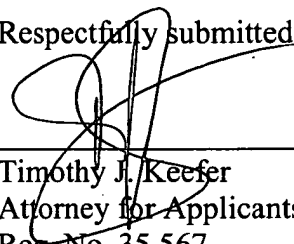
This petition is in response to the notice of abandonment sent from the Patent Office on March 25, 2003. Enclosed herewith is a check in the amount of \$1280.00, pursuant to 37 C.F.R. § 1.17(m). Please charge Deposit Account No. 23-2126 for any additional fees that may be required to effect this response. Applicants respectfully request revival of the above-identified application, stating as follows:

- 1) This application became abandoned for failure to respond to an outstanding office action. The Patent Office sent a Notice of Abandonment to Applicants on March 25, 2003.
- 2) This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date for the outstanding office action until the filing of this petition was unintentional, as required by 37 C.F.R. § 1.137(b).
- 3) A response to the outstanding office action is filed herewith.
- 4) Applicant submits that no terminal disclaimer is required as the instant application was filed after June 8, 1995.
- 5) A duplicate of this petition is enclosed.

CONCLUSION

In view of the foregoing, Applicants respectfully requests that the Office of Petitions and Commissioner revive the instant application based on unintentional abandonment.

Respectfully submitted,



Timothy J. Keefer
Attorney for Applicants
Reg. No. 35,567

RECEIVED

JUL 02 2003

OFFICE OF PETITIONS

Dated: June 26, 2003

WILDMAN, HARROLD, ALLEN & DIXON
225 West Wacker Drive
Chicago, Illinois 60606-1229
Telephone: (312) 201-2327
Facsimile: (312) 201-2555
e-mail: keefer@whad.com

1209917

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

on 6/26/03
Margaret E. Smith



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
5593

First named inventor: E. Michael Kerr

Application No.: 09/293,163

Art Unit: 1713

Filed: October 10, 2001

Examiner: M.L. Reddick

Title: METHOD OF MODIFYING RHEOLOGY OF SLURRIES IN MINERAL PROCESSING

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

RECEIVED

JUL 02 2003

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

07/02/2003 AWONDAF1 00000014 09293163

01 FC:1453

1300.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

6/26/03
Date

Telephone
Number: 312/201-2000

[Signature]
Signature
Timothy J. Keefer
Typed or printed name

Wildman, Harrold, Allen & Dixon
Address

225 W. Wacker Drive
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Declaration of Applicants Under 37 CFR 1.131 w/Exhibit A

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

6/26/03
Date

[Signature]
Signature

Mary Anne Evert

Type or printed name of person signing certificate